

REMARKS

The present arguments address the Restriction Requirements presented by the Examiner. In view of the following remarks, reconsideration and withdrawal of the Species restriction are respectfully requested. Applicants would like to thank the Examiner for the careful consideration given to this case. Claims 1-20 are pending in this application.

The Examiner alleges that the claims of the current application represent four patentably-distinct inventions: Group I (Claims 1-16), Group II (Claim 17), Group III (Claims 18 and 19) and Group IV (Claim 20). To facilitate prosecution of the present application, Applicants provisionally elect Group I with traverse. Accordingly, Claims 17-20 are withdrawn from consideration without prejudice to later presentation in this or related cases.

The Examiner further alleges that Claim 1 is generic to a plurality of disclosed uses for patentably distinct species comprising hypertension, vasodilation, and ischemia. The Examiner asserts that Applicants are required to select a single species under 35 U.S.C. 121 and Applicants have accordingly provisionally elected hypertension. However, Applicants traverse this restriction requirement among species.

The present application does not recite such a multiplicity of species so as to be burdensome to the Examiner. The disclosed uses of the present invention among which the Applicants have been required to elect (*i.e.* hypertension, vasodilation, and ischemia) are each medical conditions related to the circulatory system. While arguably distinct, these three medical conditions are closely related and would not cause the Examiner to engage an unduly extensive or burdensome search. It is therefore submitted that the restriction requirement among

species is improper in the present case. It is thus respectfully requested that the restriction requirement among these species be reconsidered and withdrawn.

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